

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

SHAWNA WORLEY,	:	CASE NO. 5:07-CV-08000
Plaintiff,	:	
vs.	:	ORDER
ABBOTT LABORATORIES,	:	[Resolving Docs. No. 13, 14, 15.]
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

With this Order, the Court dismisses with prejudice Plaintiff Shawna Worley’s (“Worley”) action against Defendant Abbott Laboratories (“Abbott”).

Plaintiff Worley initiated her action following the conclusion of the master case involving Abbott Laboratories. On July 7, 2004, this Court entered summary judgment in the master case for Abbott Laboratories, Abbott Laboratories International Co., Abbott Laboratories, Inc., and Knoll Pharmaceutical Co. (collectively, “Pharmaceutical Defendants”) as to all claims brought by the plaintiffs against the Pharmaceutical Defendants. *In re Meridia Prods. Liab. Litig.*, 328 F.Supp.2d 791 (N.D. Ohio 2004). The Sixth Circuit Court of Appeals upheld the Court’s decision on May 11, 2006. *Meridia Prods. Liab. Litig. v. Abbott Labs.*, 447 F.3d 861 (6th Cir. 2006). On August 30, 2006, the Court terminated the pending cases affected by its July 7, 2004 summary judgment decision and the May 11, 2006 decision of the Sixth Circuit Court of Appeals. See Case No. 5:02-CV-08000 (N.D. Ohio Aug. 30, 2006).

On July 16, 2007, Plaintiff Worley filed her complaint against Abbott Laboratories in the

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Circuit Court for the Third Judicial District at Rogersville, Hawkins County, Tennessee. [Doc. 1-2.]

That same day, Defendant Abbott Laboratories removed the case to the United States District Court for the Eastern District of Tennessee. [Doc. 1-1.] On July 17, 2007, the Defendant filed a motion to stay proceedings pending transfer of this action by the Judicial Panel on Multidistrict Litigation (“MDL”). [Doc. 4.] The MDL Clerk transferred the case to this Court on August 21, 2007. [Doc. 12.]

On August 29, 2007, with the master case decided by the Court and affirmed by the Sixth Circuit, the Court ordered Plaintiff Worley to “set out any new evidence or argument adduced since the Court’s July 7, 2004 summary judgment decision as to why the Court should not now dismiss her July 6, 2007 Complaint.” [Doc. 13.] The Court ordered Plaintiff Worley to file her brief by September 28, 2007. *Id.*

Because the Plaintiff failed to provide the Court with her current address, the Court made several unsuccessful attempts to locate the Plaintiff to serve her with the August 29, 2007 Order. The Court describes these attempts in its October 4, 2007 Order. *See* [Doc. 14.]. Finally, on October 3, 2007, the Court communicated with the Plaintiff’s former counsel who provided the Plaintiff’s last known address. *Id.* The Court then sent Plaintiff Worley another copy of the August 29, 2007 Order and extended the deadline to file her brief to November 4, 2007. *Id.*

November 4, 2007 passed, and the Plaintiff never responded to the Court’s August 29, 2007 and October 4, 2007 Orders.

On November 12, 2007, the Defendant filed a brief in support of dismissing the case with prejudice. [Doc. 15.]

Because the Plaintiff fails to provide any new evidence or argument as to why her case

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should not be dismissed following the conclusion of the master case involving Abbott Laboratories, the Court now dismisses this case with prejudice.

IT IS SO ORDERED.

Dated: November 26, 2007

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE